

**REMARKS**

The Office Action of June 28, 2004, has been received and reviewed. Claims 15, 16 and 19-21 are pending. Claims 15, 16 and 19-21 are acknowledged by the Office to be free of the art of record (Page 4 of the Office Action). Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph:

Claims 5, 16 and 19-21 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Office asserts that the term "recombinant" is indefinite. The applicants respectfully disagree that the term is indefinite. The term "recombinant" is well known to a person of ordinary skill in the art to mean that the nucleic acid is produced by genetic engineering or manipulated by molecular techniques, for example, the insertion of SEQ ID NO 1 or SEQ ID NO 9 into a vector is an example of a recombinant nucleic acid. Nevertheless, in order to expedite prosecution of the application, the claims have been amended to remove the term recombinant. The applicants note that the term isolated is broader than the term recombinant, therefore, the amendment does not change the claim scope, but does render the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

**CONCLUSION**

Claims 15, 16 and 19-21 are acknowledged by the Office to be free of the art of record and have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Therefore, the claims should be in condition for allowance. Early notice of such is respectfully solicited.

**Serial No. 09/819,308**  
**Amdt. dated August 27, 2004**  
**Reply to the Office Action of June 28, 2004**

Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Scott Dorland', with a long horizontal flourish extending to the right.

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GSD/gsd